

BLANK ROME, LLP
Attorneys for Plaintiff
TONGLI SHIPPING CO. LTD.
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TONGLI SHIPPING CO. LTD.,

Plaintiff,

-against-

SEOUL MARINE SERVICE CO. LTD.
and SMS INVESTMENT CO. S.A.,

Defendants.

06 Civ.13459 (VM)

**AFFIDAVIT FOR DEFAULT
JUDGMENT**

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

JACK A. GREENBAUM, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and a partner with the firm of BLANK ROME, LLP, attorneys for Plaintiff in the above-entitled action, and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Rules 55.1 and 55.2(a) of the Local Civil Rules for the Southern District of New York, in support of Plaintiff's application for the entry of a default judgment against Defendants Seoul Marine Service Co. Ltd. and SMS Investment Co. S.A., and for an Order directing

Garnishees Citibank, N.A. and JP Morgan Chase to turn over to Plaintiff's counsel the sum of \$21,982 attached in their custody.

3. This is an admiralty action to recover funds in the amount of US\$28,000, plus interest and costs, for over-paid hire and/or other charges in the course of performance of a charter dated July 21, 2006, which Seoul Marine Service Co. Ltd. undertook to repay by October 31, 2006. However, said amount has not been repaid, despite due demand (Exh. A).

4. This action was commenced on November 22, 2006 by the filing of the Summons and Verified Complaint (Exh. A). Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims was issued and funds in the amount of US\$9,482 at Citibank, N.A. and US\$12,500 at JP Morgan Chase were restrained.

5. Service of the Summons and Verified Complaint was attempted upon defendants Seoul Marine Service Co. Ltd. ("Seoul Marine") and SMS Investment Co. S.A. ("SMS" and, sometimes collectively with Seoul Marine, "Defendants") pursuant to Fed. R. Civ. P. 4(f)(1) as authorized by the Hague Convention, on May 9, 2007 to the Central Authority for South Korea (Exh. B).

6. The Korean "Central Authority" signed a statement on June 21, 2007 that the Defendants were no longer at their last known address (Ex. C). On October 5, 2007 Plaintiff wrote the Court with this information. An Order dated October 10, 2007 issued by this Court [Doc. 9] permitted Plaintiff to file for entry

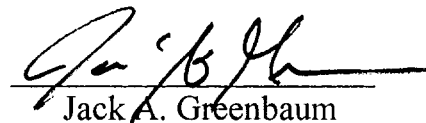
of judgment by default on notice to Defendants at their last known address (Exh. D).

7. The Defendants have not answered the Verified Complaint and the time for the Defendants to answer the Verified Complaint has expired.

8. This action seeks judgment from Defendants Seoul Marine Service Co. Ltd. and SMS Investment Co. S.A., for the liquidated amount of \$28,000, plus pre-judgment interest at 9% per annum from October 31, 2006 through October 17, 2007 in the amount of \$2,428.92 as provided by NY CPLR § 5004, plus court fees in the amount of \$380, for a total of \$30,808.92, as shown by the annexed Statement, which is justly due and owing, and no part of which has been paid except as therein set forth.

WHEREFORE, Plaintiff requests the entry of Default Judgment and order for turn over of restrained funds and the entry of the annexed Judgment against Defendants.

Dated: New York, New York
October 17, 2007


Jack A. Greenbaum

Sworn to before me this
17th day of October, 2007


NOTARY PUBLIC

ELAINE BONOWITZ
Notary Public, State of New York
No. 43-4893320

Qualified in Richmond County
Certificate Filed in New York County
Commission Expires May 11, 20__//

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